

SENATE BILL 54

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R2

2001 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: October 26, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 2001

CHAPTER _____

1 AN ACT concerning

2 **Mass Transit Administration - Torts - Restrictions on Actions**

3 FOR the purpose of prohibiting a tort claimant from instituting an action against the
4 Mass Transit Administration unless certain conditions are met; requiring that a
5 tort claim contain certain information and meet certain criteria; providing that
6 a claim is deemed denied under certain circumstances; providing for the
7 application of this Act; and generally relating to tort claims against the Mass
8 Transit Administration.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 7-702
12 Annotated Code of Maryland
13 (1993 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 7-702.

18 (a) Subject to [subsection (b)] THE PROVISIONS of this section, the
19 Administration is liable for its contracts and torts and for the torts of its officers,
20 agents, and employees in connection with the performance of the duties and functions
21 of the Administration under this title.

1 (b) The exclusive remedy for a breach of contract or for a tort committed by the
2 Administration, its officers, agents, or employees is a suit against the Administration.
3 No execution may be levied on any property of this State or of the Administration.

4 (C) A TORT CLAIMANT MAY NOT INSTITUTE AN ACTION UNDER THIS SECTION
5 UNLESS:

6 (1) THE CLAIMANT SUBMITS A WRITTEN CLAIM TO THE ADMINISTRATOR
7 OR THE ADMINISTRATOR'S DESIGNEE WITHIN 1 YEAR AFTER THE INJURY TO PERSON
8 OR PROPERTY THAT IS THE BASIS OF THE CLAIM;

9 (2) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE DENIES
10 THE CLAIM FINALLY; AND

11 (3) THE ACTION IS FILED WITHIN 3 YEARS AFTER THE CAUSE OF ACTION
12 ARISES.

13 (D) A TORT CLAIM UNDER THIS SECTION SHALL:

14 (1) CONTAIN A CONCISE STATEMENT OF FACTS THAT SETS FORTH THE
15 NATURE OF THE CLAIM, INCLUDING THE DATE AND PLACE OF THE ALLEGED TORT;

16 (2) DEMAND SPECIFIC DAMAGES;

17 (3) STATE THE NAME AND ADDRESS OF EACH PARTY;

18 (4) STATE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
19 COUNSEL FOR THE CLAIMANT, IF ANY; AND

20 (5) BE SIGNED BY THE CLAIMANT, OR THE LEGAL REPRESENTATIVE OR
21 COUNSEL FOR THE CLAIMANT.

22 (E) A CLAIM UNDER THIS SECTION IS DENIED FINALLY:

23 (1) IF, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, UNDER A
24 POSTMARK OF THE UNITED STATES POSTAL SERVICE, THE ADMINISTRATOR OR THE
25 ADMINISTRATOR'S DESIGNEE SENDS THE CLAIMANT, OR THE LEGAL
26 REPRESENTATIVE OR COUNSEL FOR THE CLAIMANT, WRITTEN NOTICE OF DENIAL;
27 OR

28 (2) IF THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE FAILS
29 TO GIVE NOTICE OF A FINAL DECISION WITHIN 6 MONTHS AFTER THE FILING OF THE
30 CLAIM.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed only prospectively and may not be applied or interpreted to have any effect
33 on or application to any cause of action arising before the effective date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.